

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)
)
 v.)
) Criminal No. 09-118
RICHARD LEO SMITH, III,)
 Defendant.)

ORDER

AND NOW, this 13th day of July, 2010, following the defendant's entry of a guilty plea, IT IS HEREBY ORDERED THAT the probation office will prepare a pre-sentence investigation report. Thereafter, the probation office will forward a copy of that report to defense counsel to review with his client prior to sentencing. The probation office will also forward a copy of the report to the Assistant United States Attorney.

If either party disputes facts contained in the report that are material to sentencing, it will be that party's obligation to seek administrative resolution of that matter through a pre-sentence conference with opposing counsel and the probation officer. Thereafter, defense counsel and the Assistant United States Attorney will each file with the clerk of court, and serve upon opposing counsel and the probation office, their positions with respect to sentencing factors. This pleading will be accompanied by a written statement certifying that filing counsel has conferred with opposing counsel and the probation office in an attempt to resolve any disputed matter.

After receipt of the parties' positions, the reporting probation officer will make any necessary investigation and revisions to the report. In any event, the reporting probation officer will prepare an addendum to the report that sets forth any objection to the report that has been made by counsel but not resolved, together with the probation officer's comments. The probation officer will certify that the report, any revisions thereto, and the addendum have been disclosed to the defendant and all counsel and that the addendum fairly sets forth all remaining objections.

Finally, any written letters from family, friends or supporters of the defendant, any written victim impact statements, or any other writings the defendant or the government wants the court to consider in fashioning a sentence shall be attached as exhibits to that party's "Memorandum In Aid Of Sentencing" and shall be electronically filed, accordingly. Counsel are to discourage individuals from sending such material directly to the court and any such material sent directly to the court will be forwarded to the appropriate counsel of record for electronic filing.

BY THE COURT:

s/Gary L. Lancaster
Gary L. Lancaster,
Chief United States District Judge

cc: United States Attorney
Defense Counsel
United States Probation Office